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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DAMON L. CAMPBELL,

Plaintiff,

v.

DEAN WILLETT, *et al.*,

Defendants.

Case No.: 2:21-cv-00912-APG-BNW

**MOTION TO WITHDRAW AS COUNSEL
OF RECORD AND REMOVAL FROM
CM/ECF SERVICE LIST**

Pursuant to the local rules of practice for the United States District Court of Nevada LR-IA 11-6(b), the law firm MAIER GUTIERREZ & ASSOCIATES hereby moves to withdraw as attorneys of record and removal of counsel from CM/ECF service list for Plaintiff Damon L. Campbell (“Plaintiff”).

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1 This motion is made and based on the following points and authorities, the Declaration of
2 Sophia A. Romero, Esq. attached hereto, the papers and pleadings on file, and any oral argument the
3 Court may wish to entertain.

4 DATED this 21st day of August, 2023.

5 Respectfully submitted,

6 **MAIER GUTIERREZ & ASSOCIATES**

7 */s/ Sophia A. Romero*

8 _____
9 JASON R. MAIER, ESQ.
10 Nevada Bar No. 8557
11 SOPHIA A. ROMERO, ESQ.
12 Nevada Bar No. 12446
13 8816 Spanish Ridge Avenue
14 Las Vegas, Nevada 89148
15 *Attorneys for Plaintiff*

1 **DECLARATION OF SOPHIA A. ROMERO IN SUPPORT OF MOTION TO**
2 **WITHDRAW AS COUNSEL OF RECORD AND REMOVAL FROM CM/ECF SERVICE**
3 **LIST**

4 I, SOPHIA A. ROMERO, ESQ., declare under penalty of perjury under the laws of the United
5 States, as follows:

6 1. I am an attorney, duly licensed to practice in all courts in the State of Nevada, and am an
7 attorney of the law firm MAIER GUTIERREZ & ASSOCIATES, attorneys of record for Plaintiff Damon
8 L. Campbell. The facts set forth in this declaration are known to me personally, or are based upon
9 my information and belief, and if called to do so, I would competently testify under oath regarding
10 the same.

11 2. I make this declaration in support of my law firm's motion to withdraw as counsel of
12 record and removal from CM/ECF service list for Defendants.

13 3. Plaintiff retained my law firm to represent him in the above-captioned matter on or about
14 July 5, 2023.

15 4. On August 14, 2023, the United States District Court for the District of Nevada entered
16 a judgment in favor of Defendants, Dean Willett et al., and against Plaintiff Damon L. Campbell.
17 **Exhibit 1**, Order Granting Defendants' Motion for Summary Judgment and Denying Plaintiff's
18 Motion for Summary Judgment.

19 5. On August 21, 2021, plaintiff and I mutually agreed to terminate the attorney-client
20 relationship between Damon L. Campbell, and MAIER GUTIERREZ & ASSOCIATES, whether this case
21 gets refiled, appealed, or for any other reason.

22 6. Because this case is instructed to enter judgment in favor of the defendants and against
23 the plaintiff, and to close this case, no delay of discovery, the trial, or any hearing in the case will
24 result. Accordingly, withdrawal can be accomplished pursuant to LR IA11-6(b) without material
25 adverse effect on the interests of Plaintiff.

26 7. Plaintiff's last known address is as follows: Ely State Prison, P.O. Box 1989, Ely, NV
27 89301.

28 8. A copy of this motion has been served on the Plaintiff via certified mail, return receipt

requested, as well as via the Court's CM/ECF system to all parties and counsel as identified on the Court-generated Notice of Electronic Filing.

9. Accordingly, the law firm MAIER GUTIERREZ & ASSOCIATES respectfully requests that the Court grant this motion and enter an order allowing the law firm to withdraw as attorneys of record for the Plaintiff in this matter.

I declare under penalty of perjury under the laws of the state of Nevada that the foregoing statement is true and correct to the best of my knowledge, information and belief.

DATED this 21st day of August, 2023.

/s/ Sophia A. Romero

SOPHIA A. ROMERO, ESQ.

MEMORANDUM OF POINTS AND AUTHORITIES

I. FACTS

Counsel for plaintiff received notice of this matter through the pro bono project at Legal Aid Center of Southern Nevada. At the time of counsel's appearance, discovery was closed and the Court was considering cross-motions for summary judgment. On August 14, 2023, the Court issued an order in favor of defendants and against plaintiff.

II. MOTION TO WITHDRAW AS COUNSEL

S.C.R. 46 provides in pertinent part:

After judgment or final determination, an attorney may withdraw as attorney of record at any time upon the attorney's filing a withdrawal, with or without the client's consent.

R.P.C. 1.16 provides in pertinent part:

(b) A lawyer may withdraw from representing a client if: (1) Withdrawal can be accomplished without material adverse effect on the interests of the client... or (7) Other good cause for withdrawal exists.

(c) A lawyer must comply with applicable law requiring notice to or permission of a tribunal when terminating representation. When ordered to do so by a tribunal, a lawyer shall continue representation notwithstanding good cause for terminating the representation.

(d) Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding

any advance payment of fee or expense that has not been earned or incurred. The lawyer may retain papers relating to the client to the extent permitted by other law.

LR IA 11-6 provides in pertinent part:

(b) If an attorney seeks to withdraw after appearing in a case, the attorney must file a motion or stipulation and serve it on the affected client and opposing counsel. The affected client may, but is not required to, file a response to the attorney's motion within 14 days of the filing of the motion, unless the court orders otherwise.

...

(e) Except for good cause shown, no withdrawal . . . will be approved if it will result in delay of discovery, the trial, or any hearing in the case.

As outlined in the declaration of counsel and facts above, on August 14, 2023, the United States District Court for the District of Nevada entered a judgment in favor of Defendants, Dean Willett et al., and against Plaintiff Damon L. Campbell, Order Granting Defendants' Motion for Summary Judgment and Denying Plaintiff's Motion for Summary Judgment. Ex. 1. Plaintiff and MAIER GUTIERREZ & ASSOCIATES mutually agreed to terminate the attorney-client relationship between Plaintiff Damon L. Campbell, and MAIER GUTIERREZ & ASSOCIATES.

Plaintiff's attorneys have taken affirmative steps to protect the interests of plaintiff. As stated above, plaintiff's counsel contacted plaintiff wherein plaintiff consented to the withdrawal of counsel and agreed that in the event an appeal is filed, MAIER GUTIERREZ & ASSOCIATES will no longer be counsel for plaintiff and will have no further obligations to defendants. Because this case was instructed to enter judgment in favor of the defendants and against the plaintiff, and to close this case, no delay of discovery, the trial, or any hearing in the case will result. Therefore, withdrawal of MAIER GUTIERREZ & ASSOCIATES will not adversely affect the interests of Plaintiff.

Pursuant to LR IA 11-6(b), a copy of this motion has been served on the Plaintiff via certified mail, return receipt requested, as well as via the Court's CM/ECF system to all parties and counsel as identified on the Court-generated Notice of Electronic Filing.

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III. CONCLUSION

For the foregoing reasons, the law firm of MAIER GUTIERREZ & ASSOCIATES respectfully requests an Order from this Court granting this motion to withdraw as counsel of record for Plaintiff Damon L. Campbell in this matter and be removed from the CM/ECF notification list for this matter.

DATED this 21st day of August, 2023.

Respectfully submitted,

MAIER GUTIERREZ & ASSOCIATES

/s/ Sophia A. Romero

JASON R. MAIER, ESQ.
Nevada Bar No. 8557
SOPHIA A. ROMERO, ESQ.
Nevada Bar No. 12446
8816 Spanish Ridge Avenue
Las Vegas, Nevada 89148
Attorneys for Plaintiff

ORDER

IT IS ORDERED that ECF No. 53 is GRANTED.

IT IS FURTHER ORDERED that the Clerk of Court is kindly directed to update Plaintiff's address to the one listed on page 3.

IT IS SO ORDERED

DATED: 9:53 am, August 22, 2023



BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

Pursuant to Fed. R. Civ. P. 5(b), I hereby certify that on the 21st day of August 2023, the foregoing **MOTION TO WITHDRAW AS COUNSEL OF RECORD AND REMOVAL FROM CM/ECF SERVICE LIST** was served via the court's CM/ECF system to all parties and counsel as identified on the court-generated Notice of Electronic Filing, as follows and by depositing a true and correct copy of the same, enclosed in a sealed envelope upon which first class postage was fully prepaid, in the U.S. Mail at Las Vegas, Nevada, as follows:

Damon Campbell, 71683
Ely State Prison
P.O. Box 1989
Ely, Nevada 89301
Via Certified US Mail/Return Receipt Requested

/s/ Yadira Gonzalez
An Employee of MAIER GUTIERREZ & ASSOCIATES